

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**InRe: David C. White,
Debtor.**

**Case No. 3:09-BK-33543-DOT
Chapter 13**

**David C. White,
Plaintiff.**

v.

APN: 3:09-AP-03195-DOT

**CitiMortgage, Inc.
Lawyers Title Realty, Trustee,
Defendants.**

ORDER

Upon consideration of the complaint by the Plaintiff, David White, asking that Defendant's second Deed of Trust be held unsecured and stripped off, and Defendant be treated as an unsecured creditor, it is hereby

ORDERED that Defendants have defaulted by not filing an Answer to the Complaint and that the court finds the facts are as alleged, that the principal residence has a fair market value of \$176,000 and that it is subject to a first deed of trust with a payoff of 184,000.00 leaving no equity to secure the second deed of trust;

FURTHER ORDERED that the Defendant has no secured interest for the loan secured by the second deed of trust on the residential real estate of the Debtor, known as 6688 Tatum Road, Disputanta, VA 23842;

FURTHER ORDERED that the Defendant is to cancel the second mortgage lien on the residential real estate of the debtor pursuant to 11 U.S.C. § 506(d), immediately upon the entry of the Discharge Order and deliver the same to the attorney for the debtor within 20 days from the date of the entry of the said order at no charge or fee for the aforesaid cancellation and delivery;

FURTHER ORDERED that the Trustee shall treat any timely filed proof of claim of the Defendant for the second mortgage lien as an unsecured claim under the plan;

FURTHER ORDERED that the attorney for the Plaintiff be awarded reasonable attorney fees and costs in the amount of \$2,240 (7.3 hours of attorney time) to be paid through the plan as an administrative cost pursuant to 11 U.S.C. § 507 with no reduction in payout to the general unsecured priorities as said amount has already been included in the plan; and

FURTHER ORDERED that the Clerk of the Court is directed to send true copies of this Order to all counsel of record.

ENTERED this ____ day of _____, 2009.

Entered on Docket: Dec 10 2009

Mitchell P. Goldstein, Esq., 40613
Krumbein Consumer Legal Services, Inc.
1650 Willow Lawn Drive, Suite 300
Richmond, VA 23230
(804) 673-4358; (804) 673-4350 (fax)

UNITED STATES BANKRUPTCY JUDGE

I ASK FOR THIS:

DAVID WHITE

BY COUNSEL: /s/ Mitchell P. Goldstein, Esq. _____

Mitchell P. Goldstein, Esq., VSB 40613

mgoldstein@krumbein.com

Jason M. Krumbein, Esq., VSB 43538

jason@krumbein.com

Krumbein Consumer Legal Services

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CERTIFICATION PURUSANT TO LBR 9022-1

I hereby certify that a true and correct copy of the foregoing Order was served on or endorsed by all necessary parties via electronic delivery and/or first-class mail, postage pre-paid to all parties in interest.

/s/ Mitchell P. Goldstein, Esq.

Mitchell P. Goldstein, Esq.,

40613

Mitchell P. Goldstein, Esq. VSBN 40613, mgoldstein@krumbein.com

Jason M. Krumbein, Esq. VSBN 43538, jason@krumbein.com

Krumbein Consumer Legal Services, Inc.

1650 Willow Lawn Drive, Suite 300

Richmond, VA 23230

804.673.4358 office, 804.673.4350 fax